

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

RUTH SMITH, individually and on behalf of
all others similarly situated,

Plaintiff,

v.

Case No. 1:22-cv-00081 (LMB/WEF)

SUNPATH, LTD., a Massachusetts corporation,

Defendant.

**DEFENDANT SUNPATH, LTD.’S MOTION TO STRIKE
PLAINTIFF’S DECLARATION**

Defendant SunPath, Ltd. (“SunPath”), respectfully submits its Motion to Strike Plaintiff’s Declaration. SunPath requests that this Court strike Plaintiff’s declaration that she filed as an exhibit to her Memorandum in Support of her Motion for Partial Summary Judgment, ECF. No. 74, and Response in Opposition to SunPath’s Motion for Summary Judgment, ECF No. 76. *See* Declaration of Ruth Smith, ECF Nos. 74-8, 76-2. The grounds for this Motion are more fully articulated in the Memorandum in Support of this Motion, filed contemporaneously herewith.

Counsel for the parties conferred by telephone on January 17, 2023, pursuant to Local Civil Rule 7(E). They were unable to reach an agreement.

Dated: January 18, 2023

Respectfully submitted,

SUNPATH, LTD.

By Counsel

/s/ Joseph P. Bowser

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Counsel for SunPath, Ltd.

CERTIFICATE OF SERVICE

I hereby certify that I caused Defendant SunPath, Ltd.'s Motion to Strike Plaintiff's Declaration to be served upon counsel of record in this case via the U.S. District Court CM/ECF System on January 18, 2023.

/s/ Joseph P. Bowser
Joseph P. Bowser